

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1949 - SB 1863

March 23, 2011

SUMMARY OF BILL: Authorizes consideration of veterinary costs and burial or disposal expense in determining the value of a police dog, fire dog, search and rescue dog, service animal, or police horse for purposes of grading the offense of theft of property for knowingly and unlawfully killing the animal of another without the owner's consent.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$8,700/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been a 10-year average of 0.3 admissions for the Class E felony of intentionally killing an animal with a value of \$500 to \$1,000; 0.1 admissions for the Class D felony of intentionally killing an animal with a value of \$1,000 to \$60,000; and 0.1 admissions for the Class C felony of intentionally killing an animal with a value of \$10,000 to \$60,000.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional offender every five years who will receive a Class D felony rather than a Class E and one additional offender every five years who will receive a Class C felony rather than a Class D felony.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class C felony is 3.23 years (1,179.76 day) at a cost of \$71,517.05 (\$60.62 x 1,179.76 days); 1.97 years (719.54 days) for a Class D felony at a cost of \$43,618.51 (\$60.62 x 719.54 days); and 1.27 years (463.87 days) for a Class E felony at a cost of \$28,119.80 (\$60.62 x 463.87 days).
- One offender every five years will serve an additional 1.26 years (3.23 years – 1.97 years) at a cost of \$27,898.54 (\$60.62 x 460.22 days). The annualized time served per conviction is 92.04 days (0.20 annual number of convictions x 460.22 days served). The annualized cost per conviction is \$5,579.46 (\$60.62 x 92.04 days).

- One offender every five years will serve an additional 0.70 years (1.97 years – 1.27 years) at a cost of \$15,499.32 ($\60.62×255.68 days). The annualized time served per conviction is 51.14 (0.20 annual number of convictions \times 255.68 days). The annualized cost per conviction is \$3,100.11 ($\60.62×51.14 days).
- The total additional operating cost is \$8,679.57 ($\$5,579.46 + \$3,100.11$).
- Any additional increase in the state trial court caseloads cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc